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## **Cemetery Regulations Effective from 1st April 2016.**

*Review Date: 1st April 2017*

All previous Rules and Regulations previously made by the Council are hereby superseded. The Council reserves the right from time to time to make alterations, additions or amendments to these Rules and Regulation specified herein. These rules and regulations will be reviewed at least once per year.

### **Introduction:**

Castle Cary Burial Authority c/o Castle Cary Town Council seek to observe the rights and choices of any individual wherever possible, but to be fair to all, to keep everyone safe, and to maintain our cemetery to high standards, we do need some regulations. Everyone visiting our cemetery needs to follow these regulations.

The council authorises the Cemetery Registrar to act with its authority and enforce the regulations in compliance with the relevant laws. Castle Cary Town Council run the cemetery in accordance with the Local Authorities Cemeteries Order 1977, as amended by the Local Authorities (Amendment) Order 1986 as well as any regulations made by the Secretary of State.

If you have any questions about these regulations please contact the Town Clerk, The Clerk's Office, Market House, Market Place, Castle Cary, Somerset BA7 7AH Email: town.clerk@castle-cary.co.uk Castle Cary Town Council Tel: 01963 359631

### **General Opening times:**

The cemetery is open daily to visitors in daylight hours, with unrestricted pedestrian access. Please note there is no lighting at the cemetery, additional care should be taken when natural light is poor.

### **Rights of use/admission:**

Castle Cary Town Council reserve the right to:

- (i) close or limit access to the cemetery when necessary.
- (ii) withdraw the use of the cemetery from any person or organisation

***Dogs*** You may bring dogs into the cemeteries but they must be kept on a short lead and under your control at all times. Dog fouling is prohibited.

***Vehicular Access*** Any vehicle entering must be:

- driven slowly keeping to the 10mph limit;
- kept to the surfaced roadways; and
- parked in a way that does not inconvenience visitors or staff.

***Bicycles*** Cycling is prohibited in any part of the cemetery other than on the surfaced roadways

### **Fees:**

- (i) All fees for interments and memorials applications are payable in advance
- (ii) All cemetery fees and charges are reviewed annually and are displayed on the Castle Cary Town Council website.

### **Exclusive Right of Burial:**

- (i) At the time of the interment you may buy an Exclusive Right of Burial (ERB) in a grave for

an agreed period of time. Castle Cary Burial Authority operate a period of 99 years. The purchase will be subject to you paying the appropriate fee and completing the relevant application form, which needs the signature of the proposed owner (who then becomes the deed holder). The Exclusive Rights of Burial may vary between grave types.

- (ii) The Exclusive Right of Burial deed holder is entitled to decide who is buried in the grave and whether a memorial can be erected on it (once the relevant fee is paid and the council has given permission).
- (iii) On the fifth anniversary of the purchase we may offer the deed holder the opportunity to buy an extension of another five years, bringing the ERB back to its original term.
- (iv) The ERB relating to cremation vaults and cremation earthen plots may at any time be extended for a further 25 years subject to the appropriate fee being paid.
- (v) Our policy is to excavate graves to the maximum of double depth available. With regards to new graves we will initially aim to excavate them to a depth of 2m for double depth and 1.35m for single depth. This will enable the grave to accommodate no more than two interments. The council cannot be held responsible if, due to factors outside our control, the grave cannot hold the full number of interments.
- (vi) We will allocate new graves in strict rotation. We will try to meet the wishes of applicants who buy grave spaces if it is practical to do so, subject to the council's approval and payment of the appropriate fee.
- (vii) The council keeps plans and records of graves which visitors may view, by appointment, during normal office hours.
- (viii) When the Exclusive Right of Burial period comes to an end the buyer (or his/her heirs or successors who have become the deed holder) will have the option of renewing that right, subject to any restrictions which may be in force at that time.
- (ix) Deed holders will need to apply to renew the ERB 12 months after the previous grant has finished.
- (x) The council may grant a renewed right of burial to another person if the ERB grant period has finished and nobody has informed us that they want to renew it. Before we do this we will, where possible, notify the previous owner (or his/her personal representative) to give them the option to renew it.
- (xi) Where no interment has taken place in the grave, the owner of the ERB may surrender it to the council. We will pay the owner an amount which is in proportion to the number of years remaining for the ERB. We will not make a payment if the ERB has lapsed, or finishes within ten years.
- (xii) If the council gives permission, the owner of an ERB may transfer it to another person if he or she provides satisfactory evidence of ownership. The owner must register the transfer in the cemetery's records, have the deed of grant of Right of Burial endorsed by the council and pay the appropriate transfer fee.
- (xiii) Provided that there is sufficient room and subject to receiving consent from the Cemeteries Registrar cremated remains can be interred in any adult grave in the cemetery for which you have the Exclusive Right of Burial. No adult interments, either full or cremated remains are allowed to be interred in the grave of a child or baby unless the child or baby was interred in a full adult grave and the appropriate adult Exclusive Right of Burial fee was paid.
- (xiv) Ownership of the ground does not at any time pass from the control of the Council.
- (xv) Before the reopening of a purchased grave the ownership for Exclusive Right of Burial must be proven.

### **Coffins and caskets:**

To help us all respect the environment, all bodies entering the cemetery for burial must be contained in a coffin/wrapping made of a bio-degradable material bearing the full name, age and date of death on it. Alternative coffin materials maybe considered subject to prior written agreement by the

Clerks Office .

### **Interments:**

- (i) You can apply for a burial by contacting the Cemeteries Service (contact details are shown in the introduction section of this document). The service operates from 9am to 4pm, Mondays to Fridays (apart from bank holidays). You must deliver a completed interment notice to the office at least two clear days before the interment (excluding Saturdays, Sundays and bank holidays).
- (ii) Interments normally take place on Mondays to Fridays between 9.30am and 4pm (subject to the season).
- (iii) The interment fee excludes the excavation and preparation of the grave, matting and attendance by cemetery staff and backfilling on the day of service. The fee includes all administration, entries into the burial registers and onto the burial database. The fee does not include the removal or reinstating of any memorial (whether the memorial belongs to the grave to be opened or other graves within the area which need to be removed to provide access), planting, shrubs or trees. The cost of any of these actions must be covered by the applicant. An estimate of the cost would be provided by the cemeteries office before the work could be undertaken.
- (iv) The time booked for a funeral is the time the cortege is due to arrive at the cemetery. If the Funeral Director or person in charge of the funeral is later than the appointed time he or she must act under the direction of the Registrar (or his/her representative) as to when the funeral service may proceed.
- (v) The council will not open a grave covered by an Exclusive Right of Burial without the written permission of the registered owner unless the burial is to be that of the registered owner.
- (vi) We will need to see and verify the deed before a grave is re-opened. If the deed is lost or mislaid then a statutory declaration must be made.
- (vii) We must receive the Registrar's Certificate for Disposal or Coroner's Order for Burial before any burial can take place. We will require a Medical Practitioner, Midwife or Nurse's certificate if the interment is for a non-viable foetus
- (viii) We reserve the right to delay or reschedule a funeral if any burial area or excavated grave becomes unstable or dangerous due to severe weather, other naturally occurring instances or an Act of God.
- (ix) The responsibility for providing enough bearers to carry the coffin from the hearse to the grave or plot (whether mourners are present or not), rests with the Funeral Director or person arranging the funeral.
- (x) We reserve the right of passage over all graves and to have any grave temporarily covered whilst carrying out excavations. Such covering may comprise of boxed platform, or similar, onto which excavated soil may be placed prior to a burial in an adjacent grave. We also reserve the right to move memorials to allow access to a grave. The memorials will be returned to their original positions and any disturbed neighbouring graves made tidy as soon as possible after the burial.
- (xi) During a funeral (or before) we have the right to exclude those who are not mourners, or not officially connected with the funeral.
- (xii) We do not permit the interment of adults in children's graves.

### **Management of memorials:**

- (i) We will give you the correct form to complete if you wish to apply for permission to erect a memorial, add an inscription or carry out any other work on a memorial including refurbishment, cleaning or like for like replacement. The form will include:

- name and address of the memorial mason who will carry out the work;
  - material and measurements of the memorial;
  - details of inscription and a diagram of the proposed memorial, including fixing methods
  - full names and signatures of the registered grave owner/s to give permission for the work.
- (ii) Issuing a permit to work confirms that approval for any such application is given. The applicant must not start any work until they have a permit. We will give permission as long as the work undertaken fully complies with the details specified within the Application Form, the British Register of Accredited Memorial Masons (BRAMM) schemes and the requirements of these regulations.
- (iii) You may be required to remove any work that you do, or any memorials or kerb sets – and pay all the costs of removal – if these do not comply with the cemetery regulations.
- (iv) All memorials must be erected in accordance with BS8415 or the British Register of Accredited Memorial Masons (BRAMM). Code of Practice current at the time of installation. The owner of the Exclusive Right of Burial is responsible for keeping the memorial in a good and safe condition. The Registrar is permitted to remove any memorial that becomes unsafe or is otherwise dilapidated.
- (v) All memorial mason companies who work within the cemeteries must be registered with the British Register of Accredited Memorial Masons (BRAMM). Fixing teams will contain at least one mason in possession of a BRAMM fixer's licence. At all times memorial fixing teams will operate in accordance with the BRAMM regulations.
- (vi) We do not permit any kerb sets
- (vii) You may only use granite, marble, slate or other suitable material of durable and sound quality for memorials.

### **Lawn sections:**

You may not place any other permanent memorial or other non-plant items in or around the grave space or on the grassed area in front of the grave. Small plants, shrubs, bulbs and cut flowers may be planted on the grave itself BUT you must be aware that during regular maintenance and mowing these may become damaged and CCTC will bear no responsibility for such damage. Planting of trees is strictly prohibited except in areas designated for such planting by CCTC.

### **Memorial sizes:**

- (i) You may install a memorial of the dimensions indicated below at the head of the grave.
- (ii) Headstones and memorials must not exceed 975mm (3'3") in height (above ground level); 750mm (2'6") in width. The stone must be of sufficient thickness to support its height, and any reasonable force exerted upon it, to ensure its stability. The foundation must be sunk into the ground so that the top surface of is flush with, or below, the adjoining ground level.
- (iii) A drilled base may accommodate:
- up to two flower containers or
  - up to two natural stone vases not more than 300mm (1'0") high and not more than 175mm (7") square or
  - a natural stone tablet, not more than 300mm (1'0") high, not more than 300mm (1'0") wide and not more than 50mm (2") thick or
  - up to 2 natural, reconstituted, stone figures, not more than 375mm (1'3") high, provided the stone is not covered, coated in plastic, gilded, glazed or painted.
- (iv) Any such vase, tablet or figure must not extend beyond the perimeter of the base.
- (v) Alternatively a memorial may consist of:
- a natural stone vase not more than 300mm x 225mm x 225mm (1'0" x 9" x 9") fixed to a plinth not more than 300mm x 300mm x 50mm (1'0" x 1'0" x 2") of the same material, fixed on a concrete foundation of the same dimensions as the plinth or

- a book or tablet not more than 300mm x 300mm x 50mm (1'0" x 1'0" x 2") fixed to a base not more than 450mm x 300mm x 50mm (1'6" x 1'0" x 2") of the same material, fixed on a concrete foundation of the same dimensions as the base or sufficiently wide to bridge the grave and rest on undisturbed ground.
- (vi) The base may be drilled to accommodate :-
    - up to two flower containers or
    - 2 small vases or figures or
    - a flat tablet not more than 300mm x 300mm x 50mm (1'0" x 1'0" x 2") fixed to a concrete foundation of the same dimensions as the base or sufficiently wide to bridge the grave and rest on undisturbed ground.
  - (vii) for a baby or child (up to the age of twelve years) the memorial must not exceed the following dimensions. The head stone 24"high x 18"wide x 3" deep, the base 18"wide x 12" x 3" high and the landing 24"wide x 16" deep x 4" high.
  - (viii) You may fix photographic plaques, either ceramic or other material, of an approved size to memorials, if you have the council's written approval.
  - (ix) The grave number must be inscribed on all memorials erected in the Cemetery, on the lower right corner of the rear of the base (or other conspicuous position as approved by the council), in characters of not less than 25mm (1") in height, to match the main inscription.
  - (x) Trade names must be inscribed on any memorial in the lower left corner of the rear of the base or other location approved by the council in characters of not more than 12mm (1") in height, to match the main inscription.
  - (xi) All contractors, engaged on work in the cemetery must comply with all council directions and requirements.
  - (xii) All materials and equipment must be conveyed in the cemetery in such a manner as to prevent damage to walks, paths, roads or turfed areas and all soil or waste material must be removed in a like manner. Mats, boards or canvas must be used, as directed by the council, to achieve this end.
  - (xiii) Masons must notify the council of intent to work in the cemeteries at least 24 hours before arrival at the cemetery. No work will be permitted outside of the opening times of the cemetery or at weekends unless specifically approved by the council.
  - (xiv) Any person removing a memorial to permit a further interment may only do so after informing the Council. Upon reinstallation of such memorials they shall be re-fixed in accordance with BS8415 and the BRAMM Code of Practice, this will include the installation of new dowels between the base and headstone plate.
  - (xv) We will remove any unauthorised memorial and charge the cost to the grave owner, or their personal representative.

### **Garden of Rest for Cremated Remains:**

- (i) You may purchase an Exclusive Right of Burial for a period of seventy five years. The term of ERB may extended for a further 25 years subject to the appropriate fee being paid.
- (ii) The only memorial permitted is a desk-type memorial (subject to the council's approval). The colours of these memorials are restricted to black, dark grey and light grey only.
- (iii) Up to two sets of cremated remains may be buried in each grave

### **Memorial benches:**

- (i) All benches placed in the cemetery must be purchased through the cemetery office on a 15 year lease basis. Any new unauthorised benches (those not purchased through the cemeteries office) will be removed to a safe compound. The owner will be contacted and removal will be necessary.
- (ii) All unauthorised benches placed in the cemeteries prior to 1 September 2015 will be

allowed to remain in the cemetery until they are assessed by the council to be no longer fit for purpose. At this point the bench will be removed to a safe compound and the owner will be contacted regarding the collection or disposal. Any unauthorised benches will be subject to the same terms and conditions as authorised benches. Any replacement benches must be approved and be purchased through the cemetery office.

- (iii) Anyone wishing to lease a dedication bench for a predetermined term will be asked to read and sign the terms and conditions set by the cemeteries office. If any of the terms and conditions of the bench lease are broken then the bench would no longer be included in maintenance programme and a further leasing period would not be offered.
- (iv) The council may provide memorial benches at various locations within the cemetery, these benches maybe leased for an agreed period of 15 years. The Council reserves the right to relocate all benches on site to meet operational needs.
- (v) No other memorial or other items may be placed on the bench.

#### **Memorial trees/roses/shrubs:**

- (i) The council may provide trees, roses and shrubs for dedication at locations within the cemeteries, and you may lease memorial plaques from the council for a period of up to fifteen years.
- (ii) No other memorials or items may be placed on or around the tree area.

#### **Maintenance:**

- (i) All floral tributes will be removed two weeks following the interment unless we are told in writing that the family wish to arrange for their removal. It is forbidden to place glass containers or shades, items of pottery, tins, plastic or wire mesh fences or other items of metal, plastic or other material on graves. The council may remove these without notice.
- (ii) The council will remove Christmas wreaths from 1 February each year.
- (iii) Temporary wooden markers are permitted subject to the council's approval. These should be removed from the grave if/when the permanent memorial headstone is set.
- (iv) The council reserves the right to remove (and dispose of) from any grave space, flowers, plants, floral tributes or wreaths which have deteriorated or become unsightly.

#### **Scattering of cremated remains:**

The scattering of cremated remains on purchased or un-purchased graves, or in any other area in the cemetery is forbidden.

#### **Repair of failed memorial headstones:**

- (i) The Council reserve the right to test all headstones for safety every five years or at any time if it is suspected that the stone maybe unsafe.
- (ii) Memorial headstones that fail the safety test will be required to be repaired as soon as possible by the deed holder. If the repair is not undertaken within six months from notification, the Council will take appropriate measures to ensure the memorial is safe and well presented.